

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

06 Civ. 0694 (PKC)

NIPPON EXPRESS U.S.A.
(ILLINOIS), INC.,

Plaintiff,

- against -

M/V CHIANG JIANG BRIDGE et
ano.,

Defendants.

DEFENDANT, YANGMING MARINE
TRANSPORT CORP.'S DECLARATION OF
NORMAN CHOI IN SUPPORT OF ITS
MOTION TO DISMISS THE CLAIMS
AGAINST IT ON GROUND OF A
MANDATORY AND EXCLUSIVE FOREIGN
FORUM SELECTION AGREEMENT

NORMAN CHOI declares that the following statement is true under the penalties of perjury:

1. I am the corporate counsel of non-party, Yang Ming (America) Corp., the U.S. agent for defendant, YANGMING MARINE TRANSPORT CORP. (hereafter, "YML"). I am fully familiar with the facts and circumstances of this matter and except as otherwise specified herein, I submit this declaration in support of defendant, YML's motion to enforce a foreign forum selection clause in its bill of lading contract of carriage.

2. I am advised by counsel that this case involves a claim for damage to containerized cargo carried in September or October of 2004 from Oakland, California to Tokyo, Japan pursuant to YML Bill of Lading no. YMLUW 160067969 dated on or about September 25, 2004.

3. Attached to this declaration as YML's Moving Exhibit C is a true and complete

copy of the YML bill of lading reverse side terms and conditions in use at that time and for the bill of lading plaintiff sues on.

Dated: New York, NY, May 18, 2007

A handwritten signature in black ink, appearing to read 'Norman Choi', is written over a horizontal line.

NORMAN CHOI